IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Contempt Petition No. 307 of 2005
With
Recall Application No. 912/07
And
Delay condonation application No.2124/07

Mr. Jagdamba Prasad Sati S/0 Sri Maheshanand Sati-Dharama Adhikari Sri Badrinath Sri Kedarnath Mandir Badrinath Dham, Shaheed Rajiv Jeyal marg Niranjanpur, P.O. Majra, District Dehradun(Uttaranchal).

....Petitioner

Vs

Sri Nand Kishore Nautiyal President of Sri Badrinath Sri Kedearnath Temple Committee 102, Silver lines,2, hansa Bad Road, Shantacruz, Umbai (Maharashtra).

....Respondents

Sri B.D. Malhotra, learned counsel for the petitioner.
Sri Ravi Babulkar, learned counsel for the respondents.

Hon'ble B.S. Verma, J.

Heard learned counsel for the parties.

I have perused the application for condonation of delay.

Learned counsel for the petitioner has submitted that the statement was made by the respondent that the writ petition has become infructuous is not correct.

The reasons given in the application for condonation of delay are satisfactory to condone the delay in filing the Restoration Application. Hence, the delay in filing the Restoration Application is condoned. The order dt. 31-5-2007 is recalled and the contempt petition is restored to its original number.

By means of this contempt petition, learned counsel for the petitioner has prayed to punish the respondents for flouting the order

Dated 7-10-2005 (Annexure No.1 to the writ petition) passed by this Court in writ Petition No.1511 of 2005 (S/S) Jagdamba Prasad Vs. The Committee of Management and others whereby it was directed that the petitioner has to submit his reply within a period of fifteen days from today and the Inquiry Officer was directed to conclude the inquiry within a period of six weeks from the date of submission of his reply. It was also directed that in any case, the final order after concluding the inquiry shall be passed by the Disciplinary Authority and shall be communicated to the petitioner by 31-12-2005.

It is not disputed that the Disciplinary Authority on the report of inquiry officer had already taken final decision and the petitioner was terminated. The order of termination was also challenged by filing a second writ petition No. 1569 of 2005 (S/S) which was allowed by this Court on 17-2-2006 and the petitioner had been reinstated in compliance of the aforesaid order passed in writ petition No. 1569 of 2005 (S/S).

Against the order, the petitioner further filed Special appeal, which was dismissed as withdrawn on the request made by the petitioner because he was reinstated at that time.

Learned counsel for the petitioner has submitted that the decision was taken by the Disciplinary Authority without considering the objection filed by the petitioner and no opportunity of hearing was given to the petitioner.

The Disciplinary Authority and Inquiry Officer cannot be directed in Contempt Petition to conclude the inquiry and further the decision was taken on 31-12-2005 by the Disciplinary Authority.

It is also not disputed that the decision has been taken and the petitioner was terminated by the Disciplinary Authority on 16-10-2005. The order had also been challenged in the second writ petition No. 1569 of 2005 (S/S), which was allowed on 17-2-2006 by this Court.

In view of the fact, the respondent made a compliance of the order dated 31-12-2005 passed by this Court. The order has been complied with.

The contempt petition is dismissed.

Notices are hereby discharged.

All applications stands disposed of accordingly.

(B.S. Verma,J)

Dated: -2-8-2007
M.K.